

REMARKS AND RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has required restriction of the invention under 35 U.S.C. 121 to one of the following groups:

Group I: Claims 38-49, 51-59, 79 and 81, drawn to a method of identifying a gene that affects glucose transport comprising contacting an adipocyte with a siRNA targeted against a gene and assaying the modulation of glucose transport in the cell wherein glucose transport is assayed by assaying insulin mediated glucose uptake, classifiable in class 424, subclass 9.2.

Group II: Claims 38-48, 50-59, 79 and 81, drawn to a method of identifying a gene that effects glucose transport comprising contacting an adipocyte with a siRNA targeted against a gene and assaying the modulation of glucose transport in the cell wherein glucose transport is assayed by assaying insulin mediated GLUT4 translocation, classifiable in class 424, subclass 9.2.

Group III: Claims 61-72, 74-78 and 80-81, drawn to a method of identifying a gene that affects glucose transport comprising contacting an adipocyte with a nucleic acid molecule that is capable of expressing an siRNA targeted against a gene and assaying the modulation of glucose transport in the cell wherein glucose transport is assayed by assaying insulin mediated glucose uptake, classifiable in class 424, subclass 9.2.

Group IV: Claims 61-71, 73-78 and 80-81, drawn to a method of identifying a gene that affects glucose transport comprising contacting an adipocyte with a siRNA targeted against a gene and assaying the modulation of glucose transport in the cell wherein glucose transport is assayed by assaying insulin mediated GLUT4 translocation, classifiable in class 424, subclass 9.2.

The Examiner states that claim 81 is generic to a plurality of patentably distinct species of a method for identifying a gene involved in an insulin response disease or disorder, wherein the disease or disorder is selected from the group consisting of type II diabetes, insulin resistance and obesity. Accordingly, the Examiner further requires a species election under 35 U.S. C. 121

for the disease or disorder between the species of: (i) Type II diabetes; (ii) insulin resistance, and (iii) obesity.

Applicants hereby elect the Group I invention (claims 38-49, 51-59, 79 and 81, drawn to a method of identifying a gene that affects glucose transport comprising contacting an adipocyte with a siRNA targeted against a gene and assaying the modulation of glucose transport in the cell wherein glucose transport is assayed by assaying insulin mediated glucose uptake) under 35 U.S.C. §121 for prosecution in the present application, without traverse. It is Applicants' understanding that claims 27 and 81 link inventions I and II and that claims 60 and 81 link inventions III and IV. It is Applicants' further understanding that, upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application.

Applicants further elect the *species* of Type II diabetes, for search purposes only. It is the Applicants' understanding that under 35 U.S.C. §121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants further understand that upon the allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. UMY-055, from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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